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SUPREME COURT OF VIRGINIA



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KENT SINCLAIR

STATE LAW LIBRARIAN
GAIL WARREN

October 21, 2020

The Honorable William T. Newman, Jr., Chief Judge
Arlington County Circuit Court
1425 North Courthouse Road
Arlington, VA 22201

Dear Chief Judge Newman:

A panel of three Justices in consultation with the Office of the Executive Secretary has approved your plan for the resumption of jury trials in the Arlington County Circuit Court. You may begin jury trials effective today, provided the jury trial is consistent with and in strict conformity with the plan. This approval is subject to a change in circumstances including failure to carry out the plan you have submitted.

Sincerely,

A handwritten signature in blue ink, which appears to read "Donald W. Lemons".

Donald W. Lemons

ARLINGTON CIRCUIT COURT
PLAN TO RESUME JURY TRIALS

Revision Submitted
on behalf of the Court
by
Chief Judge William T. Newman, Jr.
October 20, 2020

INTRODUCTION

- The plan submitted herein tracks the guidance provided by the Virginia Supreme Court, Office of Executive Secretary, to ensure that all necessary and appropriate considerations are addressed before jurors are brought into the Arlington Courthouse for any trials.¹ The Judges of the Circuit Court met with stakeholders and experts alike to create this plan and considered logistics, manpower concerns, technology opportunities and limitations, types of cases on the dockets, space capacities and limitations and many other circumstances unique to Arlington County. The plan constitutes the Court's best judgment about how a jury trial can be conducted to allow for social distancing, face coverings and general health concerns surrounding the Covid-19 virus.
- The Court solicited advice from the County's Public Health Director in formulating specific precautions and that advice is reflected throughout this document. We will continue to discuss with the Public Health Director changes in Arlington County's case numbers and hospitalizations to amend this plan or to cease jury trials as needed.
- Arlington County's Department of Environmental Services has been working with the Court throughout the Covid-19 pandemic assisting with facilities adjustments and improvements to provide protective barriers, capacity studies and signage throughout the Courthouse and for all courts in Arlington County. DES has continued to meet with the judges and other courthouse stakeholders to provide updates and suggestions to resume operations.
- Arlington County's Department of Technology Services and the technology staff in the Circuit Court Clerk's Office have been vital to the Court's ability to conduct remote virtual hearings - especially making hardware available to allow inmates in the jail to participate in bail and other pre-trial hearings in criminal matters. Moreover, as the Court has been planning to resume jury trials, DTS and the Clerk's Office have committed to prioritizing technology

¹ This plan adopts by reference Guidance and Considerations for the Resumption of Jury Trials Memorandum distributed by the Virginia Supreme Court, Memorandum distributed by Karl Hade, Executive Secretary of the Virginia Supreme Court and the Department of Labor and Industry's Emergency Temporary Standard, <https://www.doli.virginia.gov/wp-content/uploads/2020/07/RIS-filed-RTD-Final-ETS-7.24.2020.pdf>

improvements for the Courthouse, without which this plan would not be possible.

- The Arlington Sheriff has been proactive in handling screening, social distancing enforcement, remote hearings and more in response to the Covid-19 pandemic and has continued to support the Court in its efforts to begin jury trials. The Sheriff and her staff have taken on greater staffing obligations as a result and her willingness to commit manpower to the Court's efforts is essential to the success of this plan.
- The Circuit Court Clerk has worked very closely with the Court to advance the technology improvements in the Courthouse which make this plan possible and have allowed the court to hear cases remotely. As important, the Clerk has committed to providing more manpower to assist with the time consuming and difficult process set forth herein regarding jury trials, to allow for staggered arrival times, and various staging areas (both in and out of the Courthouse), and has considered new technology to alert jurors and check them in. The Clerk has been very flexible with the Court in developing this plan but has also provided extensive insight and advice to ensure that the plan is realistic and will be successful.
- The Arlington Bar has convened a working group to assist the Court in developing this plan. This working group addressed the Court's preliminary draft and gave helpful feedback to the Court to finalize the plan. While the Court had considered many aspects of the trial process, it was very helpful to hear from the Bar both in areas of agreement and concern to move ahead with this final submission.
- Judges of the other courts were consulted, and this plan was discussed with them to ascertain whether the timing and approach would create difficulties for their dockets. Their input was considered in developing this plan.

APPROACH

- The Supreme Court's Guidance and Considerations for the Resumption of Jury Trials (June 29, 2020) and discussions with the Public Health Director and County personnel outlined above, framed the Court's approach to determining whether and how jury trials can resume in Arlington County.

- First, the Court examined its facilities within the Courthouse as well as other public spaces owned or operated by Arlington County to assess whether the Court had appropriate areas available to properly social distance and mitigate risk as much as possible.
- Second, the Plan outlined herein assumes the following elements:
 - Social distancing at all times (limited exceptions as noted);
 - Face coverings at all times in the Courthouse (limited exceptions as noted);
 - Environmental status of facilities to include air handling, frequent cleaning, and minimized handling of items or touching of surfaces.
- With these concepts in mind, the Court undertook a process of walking through an entire felony criminal jury trial beginning with summoning jurors; arrival of all trial participants to the Courthouse; checking in jurors; staging jurors with appropriate social distancing; movement throughout the Courthouse; voir dire; trial; and deliberations.
- While considering this process, the Court consulted with parties and agencies affected by any decision the Court might make to ensure adequate staff, supplies, resources and technology are available to make it work. Along the way, adjustments have been made to accommodate the realities of the facilities, staffing, time and resources generally.
- The Court ambitiously started with the goal of conducting three jury trials simultaneously, albeit with different start dates or times. It became apparent that the types of trials on the docket and the staffing requirements to make this a possibility prevent the Court from having more than two jury trials in progress at any one time - at least at the beginning of this process. While the trial spaces available may permit three trial to occur simultaneously, movement of jurors from place to place and the increased staff necessary to ensure safety seems to create an undue burden for the affected entities and would be unsustainable.
- Consequently, the Court intends to focus initial efforts on holding jury trials for criminal matters affected by the Supreme Court's Emergency Orders and which cases have speedy trial implications.

The Court is holding pre-trial conferences for criminal matters with jury trials pending in 2020 to ascertain which trials should have priority for planning purposes.

- Civil jury trials pending in September are unlikely to emerge as priority matters given the Court's criminal docket. Civil jury trials pending in October will be evaluated as well in view of the criminal docket. All counsel and litigants in civil matters for September and October of 2020 will be advised of the Court's decision regarding docketing and possible continuances.
- It should be stressed that if circumstances surrounding the Covid-19 virus in Arlington County or in the Courthouse necessitate revisiting the Court's ability to have jury trials, the Court will take all necessary steps to either revise its approach as outlined or to cease jury trials entirely, as warranted.
- The Court plans to resume trials not soon than 21 days after the Supreme Court approves the plan.

SUMMONSES

Arlington uses a one-day one-trial term of jury service, which will continue going forward. Historically, the Clerk has summonsed between 80 and 120 jurors per day, depending on the number of trials scheduled, to accommodate simultaneous jury selection for two criminal felonies and one civil trial. (On days when no jury trials are scheduled, summonsed jurors are advised in advance that they are not required to appear.) These numbers are increased for cases that historically have required a larger pool of available jurors, primarily violent felonies, and for cases that are scheduled to last four or more days. The jury coordinator in the Clerk's office works closely with Chamber's to ensure a sufficient number of jurors are summonsed to meet the Court's scheduling needs.

The jury summonses will state that all persons entering the courthouse are required to wear face coverings at all times, unless otherwise instructed, and are obliged to socially distance themselves at all times.

Deferral of/Excused from Jury Service.

The Clerk's jury management system allows jurors to defer service to a date later in the calendar year, and these requests are liberally granted. In addition, the Clerk has been authorized by the Chief Judge to excuse jurors who meet the statutory requirements for disqualification or excusal. Typically, jurors are required to provide written proof to the Clerk of the reason(s) for being excused. The Clerk will also send a Covid-specific questionnaire to summonsed jurors approximately two weeks prior to their service date.

Pre-Covid, the deferral/excusal rate was approximately 20 percent. Post Covid, the Court is anticipating the deferral/excusal rate may be as high as 50 percent.

The Court's current practice is to reschedule jurors who fail to appear on another date in the calendar year. The Court will continue this practice. The jury coordinator currently notifies the Chief Judge about jurors who fail to appear a second time, along with any reasons provided by the juror, and the Chief Judge determines how to handle the situation on a case-by-case basis. The Court anticipates that this practice will continue.

Expected Number of Summonses.

The Court will not be able to start two felony trials simultaneously, especially at first, but instead will start these cases seriatim, as only Courtroom 11A is large enough to empanel a criminal felony jury. [As noted elsewhere, once a felony jury has been empaneled, the trial will be moved to either Courtroom 10A or 10D, as both are large enough to try a felony case.] Thus, the maximum number of new jurors that will be seated on any given day will not exceed 28 (12 plus two alternates for each trial). Currently, the clerk plans to summons the same number of jurors as before, depending on the types and number of cases scheduled, and can increase this amount for any specific date that a larger pool is deemed necessary.

As the year progresses, if the number of jurors requesting to be excused from service or requesting a deferral is consistently greater than 50 percent of the summonsed jury pool, or if the number of jurors arriving for service proves insufficient, the Court will request the Clerk to increase the number of jurors summonsed. The Clerk is able to manually summons additional jurors for any given day if it appears there are insufficient jurors available to serve that day.

Jurors will be notified on the jury summons of both the phone number and email of the jury coordinator, who can be contacted about questions. In addition, the Clerk provides information regarding jury service on its website, which will contain a link to this Court's plan for jury trials once approved.

JURY COVID-19 SPECIFIC QUESTIONNAIRE AND SELF-EVALUATION

Questionnaires.

To protect vulnerable individuals and to mitigate the spread of the virus, a Covid-19 Specific questionnaire (Appendix III), will be provided to jurors approximately 2 weeks before the trial date, along with a Self-evaluation/Screening protocol (Appendix IV). The Covid-19 Specific questionnaire advises jurors to consider whether they may be at higher risk.

Upon receipt of the COVID specific questionnaires, the Criminal Two and Civil Two judges will determine which jurors will be deferred or excused from jury service.

Anyone who answers "yes" to any of the Self-Evaluation/Screening questions (Appendix IV) will not be permitted to enter the courthouse and are instructed to contact the jury coordinator to advise of any affirmative responses.

JURORS ARRIVAL AT THE COURTHOUSE THROUGH VOIR DIRE

Arrival, Check-In and Staging.

Jurors will be given a specific time to arrive at the Courthouse, with an admonition not to arrive earlier than scheduled to avoid overcrowding the entrance, lobby and queuing areas.

Depending on the number of jurors summonsed for that particular trial, jurors will be advised by the jury coordinator to report to the Courthouse by separate entrance or to report to a particular staging area that is not in the Courthouse proper.

The Court has identified the following staging areas, with their respective capacities, in order of priority:

- Jury Assembly Room - capacity 25
- Hearing Room 11B - capacity 10
- Hearing Room 11C - capacity 10
- Detention Center Lobby (across the plaza) - capacity 30
- County Board Room (across the street and parking lot) - capacity 25

Jurors instructed to report to the Courthouse will have a separate entrance and will be greeted by a Deputy and member of the Clerk's office to direct them to a queue in the Law Library for check-in. Jurors' temperatures will be taken at the entrance by the Sheriff, as all courthouse patrons are screened.

Jurors checking in through the Law Library will be given visual spacing and queuing or travel path in the Library. Once the juror is assigned a staging area within the Courthouse, Clerk's Office staff will escort them to a designated elevator to the specific staging space. The staging areas will be appropriately marked with social distancing labels.

Jurors instructed to report to a non-Courthouse staging area (Detention Center Lobby or County Board Room) will be greeted by

a member of the Clerk's Office to check them in. When that group is called in for voir dire, the jurors will proceed - again accompanied by a member of the Clerk's Office - to the designated entrance where they will have their temperature taken and proceed through security.

As no one will be permitted entry into the Courthouse or any of the other staging areas without a face covering, if a juror arrives without a face covering, one will be provided by the Sheriff or Clerk's Office.

Voir Dire.

Voir dire will be conducted in the Courthouse's largest courtroom, 11A. Voir dire will be done with panels as 11A has a functional capacity of 24 jurors at one time for the voir dire process.

As jurors are stricken from the venire, they will be excused to exit the Courthouse. As jurors are approved to continue to the final selection process, they will be moved to courtroom 10A or 10D where they will remain until all necessary panels are questioned and a full panel is established for peremptory strikes. Final jury selection and impaneling will take place in 11A.

TRIAL

Spacing

At this juncture, the trial will take place in either Courtroom 10A or 10D - the next largest courtrooms in the Circuit Court - allowing for social distancing during the trial. Jurors will be moved from 11A down to 10A or 10D where they will be seated in the gallery. Jurors will be assigned seating for these trials to reduce multiple individuals touching these surfaces and jurors will be provided an assigned seat cushion.

Counsel and litigants will be appropriately spaced at counsel table. The podium will not be used for witness examination or argument as

this would allow closer contact between counsel than recommended; however, the document reader embedded in the podium will be encouraged to minimize touching and exchanging paper exhibits.

Barriers.

The Courtroom is being fitted out with Plexiglas panels as follows:

- 36-inch-high panels in front of the courtroom clerk, judge and witness
- 36-inch-high panel between the judge and the courtroom clerk
- 36-inch-high panel between the judge and the witness

The distance between the clerk, judge and witness to counsel table in courtrooms 10A and 10D is approximately 15 feet. The Plexiglas is utilized as another layer of protection for trial participants.

Face Coverings.

All persons, including witnesses, must wear face coverings.

If face coverings impair the ability of a lawyer to communicate with the witness or with the Court, the Court may grant the attorney permission to remove his or her face covering as necessary, ensuring that the attorney remains physically distant from other persons in the courtroom.

A criminal defendant may be asked to remove his face covering during *voir dire* to ensure that prospective jurors can see him and indicate whether any know him or recognize him. He may also be asked to lower his face covering briefly for the purpose of enabling a witness to see his face and answer whether the witness can identify the defendant.

Jurors will wear face coverings at all times, but the Court expects to permit individual jurors to lower the cover briefly if requested by counsel, while ensuring proper social distancing of at least 10-feet from all other persons.

Sidebar discussions.

If the discussion is under 15 minutes *and* a defendant is not in custody, it is possible to conduct a sidebar objection or discussion without excusing the jury to an adjacent courtroom and this will be in the discretion of the trial judge. In any event, sidebar participants will remain appropriately distanced and will wear masks. Alternatively, sidebar discussions may take place in the jury deliberation room behind the courtroom with appropriate distancing and mask wearing.

If the defendant is in custody, jurors will be excused to the adjacent courtroom, designated for deliberation, pending conclusion of the sidebar.

Jurors will be escorted - with appropriate spacing - to the adjacent courtroom where they will be seated in assigned seating.

Deliberations.

Deliberations will take place in either 10B or 10C depending on which courtroom is in use for the trial. If the trial is taking place in 10A, deliberations will occur in 10B which is adjacent to 10A. If the trial is taking place in 10D, deliberations will occur in 10C which is adjacent to 10D.

Jurors will be amply spaced in marked intervals in the Courtroom and to allow everyone to fully discuss the case and to have access to the exhibits (either in individual notebooks or viewable on the document reader in that courtroom); assigned seats in the deliberation courtroom will be appropriately marked to ensure social distancing and minimize contact.

Jurors will each have a set of jury instructions.

Jurors will knock on the door leading to the secure hallway to alert the deputy when they have questions or have a verdict.

Viewing the Trial.

Consistent with constitutional and decided case law, victims, the public and press have the right of access to voir dire and jury trials. Public and victim viewing of the trial will take place in assigned areas in the Courthouse on screens via a feed from 11A for voir dire and 10A or 10D for trial:

- Law library - for the first trial
- 11C - for the second trial
- Commonwealth Attorney conference room for victim/family viewing, as determined by the Commonwealth Attorney.

These spaces will be marked and set up with appropriately distanced seating.

Counsel and Litigant Communication.

If face coverings impair the ability of a lawyer and his client to communicate at counsel table (and alternate methods of communication such as note-writing, texting between devices, etc., are unavailable or insufficient), the Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication. The Court expects counsel to maintain social distancing with co-counsel and their clients at all times.

The Courthouse has space for counsel and clients to meet with appropriate social distancing markers throughout the Courthouse.

Defendants in custody will be able to speak with counsel during breaks in the holding area adjacent to the courtroom.

PREVENTION AND SAFEGUARDS

Social Distancing.

All aspects of the process explained above are predicated on the ability to maintain social distancing throughout the courthouse and in each of the courtrooms utilized for voir dire, trial and deliberations; including the restrooms, hallways, elevators, queuing and staging areas.

Restrooms are marked with capacity signs throughout the courthouse and markers on the floor for queuing. For jurors during the trial, there are four (4) individual restrooms behind the two courtrooms being used for trial. The Jury Assembly Room has two (2) additional individual restrooms for the jury's use during the trial. Therefore, the jurors will have access to those six individual restrooms as well as the public restrooms outside the courtrooms, for additional capacity of 4-6 on the tenth floor.

Hand Hygiene.

As recommended by the Public Health Department, frequent hand washing is to be afforded and encouraged. The Court typically takes breaks in jury trials every 90 minutes and this should provide sufficient frequency for comfort breaks and hand washing.

In addition to opportunities to wash hands, hand sanitizer will be made available throughout the courthouse and in the courtrooms and all jurors will have easy access without having to ask. Recommendations for use will be provided.

Disposable gloves will be available to the jurors as well, with an appropriate caveat on the use of gloves and continued encouragement to wash hands frequently.

Minimizing High Touch Items/Surfaces.

The Court will assign seating to all participants in the trial, including the jurors. Each juror will be provided a cushion for exclusive use during the trial.

Technology will be available and encouraged to display paper exhibits on a large screen.

Counsel will be expected to provide, enough copies of paper exhibits and jury instruction to provide each juror an individual set.

To the extent that tangible items must be viewed by the jury, the Court will accommodate a viewing in court with appropriate spacing - both during the trial and when items are needed during deliberation. To the extent that a tangible item must be handled, gloves will be provided.

Cleaning and Disinfecting.

The Sheriff has undertaken to purchase and deploy an Electrostatic machine each evening. This process allows all surfaces to be disinfected daily throughout the courthouse. This includes cleaning all soft surfaces in the courtroom including upholstered chairs and cushions.

In addition, the custodial staff is routinely cleaning (every two hours) all high-touch surfaces using CDC recommended chemicals and protocols, including restrooms used by jurors and the public.

During the trial and in the courtrooms where trials are ongoing, cleaning will take place during all breaks to wipe down high touch areas.

In addition to the professional cleaning, disinfecting wipes and hand sanitizer will be stationed on the witness stand and other convenient locations in the courtroom to permit anyone to additionally wipe down a surface.

Supplies Provided by the Court.

Hand sanitizer will be available and stationed throughout the Courthouse and in the courtrooms:

- In the corridors and near the elevators

- In the juror staging areas

- In the deliberation courtroom

- On the witness stand

- At counsel tables

- On the bench

Disinfectant wipes will be available throughout the trial:

- In the juror staging areas

- In the deliberation courtroom

- On the witness stand

- At counsel tables

- On the bench

Gloves will be available as needed.

Clear face masks will be made available should the litigants not provide their own.

N-95 masks will be available in criminal trials where the defendant is in custody.

Trash cans to dispose of single-use items like gloves and wipes will be conveniently positioned.

HVAC/Air Circulation.

The C/P Building HVAC system preventive maintenance is under contract. The equipment and components are inspected and serviced on a monthly, quarterly, semi-annual and annual frequency based on the manufacturer's recommendation. ASHRAE recommends a MERV 13 or higher air filter be used during COVID. A MERV 13 is the standard for all County buildings. The air filters for the courtroom air handlers are MERV 14. MERV 13 air filters, or the next closest rating that can be used, will be installed in air handlers in the rest of the building. The fresh air intake supply for the air handlers that allows the equipment to operate efficiently in the summer is app. 15% and during the winter app. 30%. The air handlers for the building operate 24/7.

Comfort and Lunch Breaks for Jurors.

The Arlington Courthouse does not have a cafeteria or any other food and drink opportunities within the building. Accordingly, as we have always done, the Court takes a lunch recess to allow everyone to leave the Courthouse. Breaks for lunch may be longer than usual given the circumstances.

All trial participants will be given breaks during the trial approximately every 90 minutes or so, as the evidence may permit, which will allow everyone to use the facilities, walk around, etc. Normally such breaks are around 15 minutes each. Given the circumstances, however, those breaks may be longer.

As noted in the Trial section, ample restrooms are available for jurors to wash hands and take a comfort break.

Signage and Reminders.

Chairs and benches are marked with signs identifying where one will sit in the courtroom, stand in elevators and queue in the halls.

Spaces throughout the Courthouse are marked with occupancy signs limiting the number of individuals who may enter or gather.

Each restroom reminds patrons to wash their hands frequently and thoroughly.

Jurors will be reminded to use hand sanitizer properly and that it is not a substitute for hand washing.

Jurors and other trial participants will be reminded of the limits of glove use and recommendations for use.

Judges will verbally reinforce social distancing, occupancy recommendations and hand hygiene throughout the trial:

When jurors and others are excused for a break judges will verbally remind everyone to keep an appropriate distance and mind elevator and restroom occupancy limitations.

When jurors and others are excused for a break judges will verbally remind everyone upon their return that they have assigned seating.

When exhibits are touched or shared, jurors and others will be verbally reminded to use hand sanitizer or adjourn to wash hands in the restrooms.

Judges will also remind jurors when the trial adjourns for the evening to contact the jury coordinator should they experience any Covid-19 symptoms. (*See Appendix IV*).

Judges will also remind other trial participants (counsel and litigants particularly) that if they experience any Covid-19 symptoms while the trial is adjourned, they must call the Clerk of Court to report their condition.

Screening and Monitoring for Symptoms.

Jurors will be asked to self-evaluate and update the jury coordinator during the pendency of the trial should any changes necessitate absence from the trial. The same checklist from VDH

that was sent to jurors as part of their COVID specific questionnaire will be provided to the jurors for reference.²

Temperature checks are taken every time anyone enters the Courthouse. Because jurors will be excused for lunch, their temperatures will be taken twice a day - once in the morning and again upon their return from lunch.

CONTINGENCIES

The Supreme Court has asked that courts take into consideration certain scenarios involving Covid-19 positive testing or Covid-19-like symptoms. To do this, the Court has assumed that during the trial, social distancing has been observed as have face coverings and Plexiglas. The Court understands that close contact is defined as being within six feet of another person for 15 minutes or more. If a mask is to be removed, as noted herein, spacing will be ten feet.

Trial Participant/Juror Tests Positive or Presents with Covid-like Symptoms:

- Should a juror test positive or present with Covid-like symptoms during the trial, that juror will be obliged to isolate and therefore will be removed from the jury.
 - All jury trials will be selected with at least 2 alternates as a contingency plan.
 - Other jurors will not have had close contact with the positive juror, so no other jurors should have to quarantine and may remain on jury duty.
 - Trial participants will be informed of the circumstances.
- Should a criminal defendant test positive or present with Covid-like symptoms during the trial, the Court will make appropriate accommodations. Such accommodations may include allowing the

² <https://www.vdh.virginia.gov/content/uploads/sites/182/2020/06/Visitor-Screening.pdf>;

See also Appendix IV.

defendant to appear virtually (depending on the severity of their symptoms), granting a continuance, or calling a mistrial. The circumstances surrounding each case will be evaluated

- Counsel should also advise if there was close contact with any other members of the defense team.
 - Trial participants will be informed and aware of the circumstances.
 - Courthouse community will be informed of the protocols taken to address a positive screen.
- Should counsel test positive or present with Covid-like symptoms during the trial, counsel should communicate with the Court and seek appropriate relief.
 - Counsel should advise if there was close contact with any other trial participants.
 - Trial participants will be informed and aware of the circumstances.
 - Courthouse community will be informed of the protocols taken to address a positive screen.
- Should the presiding judge test positive or present with Covid-like symptoms during the trial, the Court will assess whether the trial can continue with another judge of the Circuit Court. That evaluation may require a mistrial.
 - The judge will isolate.
 - Individuals with whom the judge has had close contact will be notified of the positive test and advised to quarantine.
 - Trial participants will be notified.
 - Courthouse community will be informed of the protocols taken to address a positive screen.
- Should another Circuit Court judge test positive or present with Covid-like symptoms during the trial, unless the presiding judge had close contact with his/her colleague, the trial may continue. If the presiding judge had close contact with the other judge, the Court will assess whether the trial can continue with another judge of the Circuit Court. That evaluation may require a mistrial.
 - Trial participants will be informed of the circumstances to address the outcome of the trial.
 - Courthouse community will be informed of the protocols taken to address a positive screen.

Courthouse Closure:

If the entire courthouse is closed due to exposure, all trial participants and jurors will be informed by the Judges' Chambers and/or the Clerk's Office directly to trial participants and jurors and to the general public through media announcements.

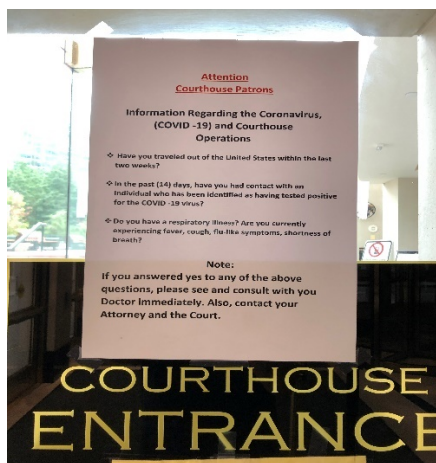
CONTACT TRACING

Should any of the aforementioned circumstances occur, the Court will notify Arlington County's Department of Public Health and will provide any information they may be required to conduct contact tracing or follow up.

APPENDIX I - Signage throughout the Courthouse



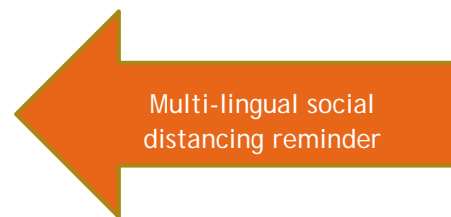
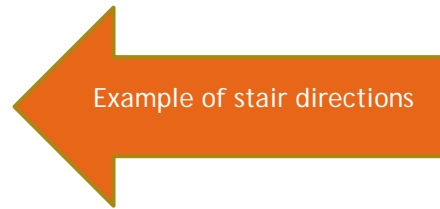
In washrooms



Covid related questions at Courthouse Entrance



Lobby with distancing markers

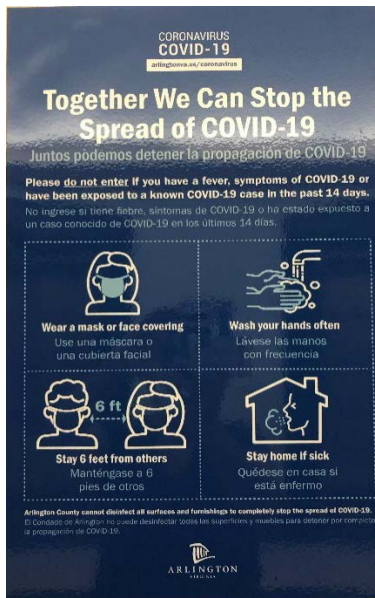




Spacing indicators in elevators



Elevator lobby with distancing markers and capacity reminders



Bilingual safety reminders throughout and in elevator lobbies

APPENDIX II - COURTROOMS

Content on this page redacted.

APPENDIX III

SUPPLEMENTAL JUROR QUESTIONNAIRE

The Arlington Circuit Court has taken substantial steps to reduce the risk of the spread of COVID-19 in the courthouse complex. This includes requiring all staff and visitors to wear face masks, maintain 6-ft social distancing, wash hands frequently, use of hand sanitizer, and to stay home if experiencing symptoms. Additional cleaning protocols will be implemented during jury trials. The Circuit Court is also reducing the number of people compelled to appear for a court hearing by using video technology where possible. All persons entering the courthouse are required to have their temperature taken. Any individual who declines the temperature scan will be denied entrance into the courthouse.

It is important that prospective jurors monitor themselves prior to leaving home for any possible symptoms of COVID-19 including fever, chills, cough, shortness of breath or difficulty breathing (other than a pre-existing non-COVID diagnosis), fatigue, muscle or body aches, sore throat, headache, congestion or runny nose, nausea or vomiting, diarrhea, or new loss of taste or smell.

IMPORTANT Immediately contact the Jury Coordinator if you are experiencing any of these symptoms. 703-228-3124 or cctjury@arlingtonva.us.

Detailed information regarding the Arlington Circuit Court's Jury Resumption Plan, as approved by the Supreme Court, may be found at the following link: <https://TBD>

You must complete and submit this questionnaire 10 days prior to your reporting date by one of the following methods:

1. **PREFERRED METHOD:** Submit online at: <https://egov.arlingtonva.us/jury>
2. Email: cctjury@arlingtonva.us
3. Fax: 703-228-7079
4. Mail: Arlington Circuit Court, Attn: Jury Coordinator, 1425 N. Courthouse Rd., #6700 Arlington, VA 22201

PLEASE COMPLETE IN BLACK INK ONLY

Individuals who are at increased risk of severe COVID-19 may request a deferral of jury service at this time. Conditions that are associated with increased risk of severe COVID-19 include:

- Age 65 years old or older
- Asthma
- Cancer
- Chronic kidney disease
- Chronic lung disease
- Chronic obstructive pulmonary disease (COPD)
- Diabetes
- Heart conditions
- High blood pressure
- Immunocompromised state (weakened immune system) from solid organ transplant
- Liver disease
- Obesity, body mass index (BMI) of 30 or higher

- Obesity, severe
- Serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Sickle cell disease

For the CDC's list of conditions, visit <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

Please certify below if a deferral from jury service is requested because:

- (1) you meet one of the criteria listed above;
- (2) you live with or provide direct care to a person who meets one of the criteria listed above;
- (3) you, or someone you live with or provide direct care to, has another underlying medical condition that puts you or this person at a higher risk of developing serious health complications from COVID-19; or
- (4) you interact with high-risk people for work or work in a long-term care facility or other health care environment.

_____ I hereby certify, under penalty of perjury, that I meet the criteria for deferral described above and request deferral from jury service at this time.

In addition, please mark next to YES or NO for the following questions:

1. Have you traveled internationally within the last 14 days? ____ YES ____ NO
2. Have you been diagnosed with COVID-19? ____ YES ____ NO
3. Are you presently awaiting the results of a COVID-19 test? ____ YES ____ NO
4. Have you had contact with anyone who has been diagnosed with COVID-19?
____ YES ____ NO If yes, when? _____
5. Have you been directed to quarantine or isolate?
____ YES ____ NO If yes, when? _____
6. If the answer to 5 above is yes, have you concluded your isolation or quarantine period?
____ YES ____ NO If no, when is the anticipated end of
your isolation or quarantine period? _____

CONTINUOUS CARE OBLIGATION

Please indicate if you wish to claim an exemption from jury service for the following reason:

I am necessarily and personally responsible during normal court hours for providing the continuous care required by (i) a child or children age 16 or younger of whom I have legal custody, or (ii) a person having a physical or mental impairment. Yes____ No____

If Yes, do you wish to claim an exemption from jury service? Yes____ No ____

MEDICALLY UNABLE TO WEAR A FACE MASK/FACE COVERING

Please indicate if you are unable to wear a face mask or face covering due to medical reasons.

Yes____ No ____

Please Print Name

Candidate ID # (printed on summons)

Signature

Date

Appendix IV

COVID-19 Self-Evaluation/Screening Protocol: Survey for Jurors

It is important that prospective and serving jurors monitor themselves prior to leaving home for any possible symptoms of COVID-19. The morning you are scheduled to report to the Courthouse for jury duty or any day you may return for jury service, please answer the screening questions below. If you answer YES to any question, immediately contact the Jury Coordinator at 703-228-3124 or cctjury@arlingtonva.us

YES or NO, are you currently experiencing any of the following symptoms?

1. A new fever (100.4°F or higher) or a sense of having a fever
2. A new cough that you cannot attribute to another health condition
3. New shortness of breath or difficulty breathing that you cannot attribute to another health condition
4. New chills that you cannot attribute to another health condition
5. A new sore throat that you cannot attribute to another health condition
6. New muscle aches (myalgia) that you cannot attribute to another health condition, or that may have been caused by a specific activity (such as physical exercise)
7. A new loss of taste or smell
8. In the past 14 days, have you had close contact (within about 6 feet for 15 minutes or more) with someone with suspected or confirmed COVID-19?
9. Have you had a positive test for the virus that causes COVID-19 disease within the past 10 days?

Appendix V - Schematics

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BASICS AT A GLANCE

Summons will advise jurors to arrive at staggered times and instructed to report to a dedicated juror entrance at the front of the courthouse OR to a non-courthouse staging area

Upon entry, jurors will be guided through the lobby to a queuing station in the law library

Jurors assigned to a non-courthouse staging area will be met by a member of the Clerk's Office and checked-in to await voir dire

In the law library, jurors will be queued with social distancing markers to check in with the jury coordinator. Upon check-in, jurors will be assigned to a staging area awaiting voir dire.

Detention
Center Lobby

County Board
Room

Jury
Assembly

11B

11C

Jurors will be called from the staging areas above, in panels, to conduct voir dire in Courtroom 11A.

Courtroom 11A

Voir Dire

Courtroom 10A/10D
Trial

Courtroom 10B/10C
Deliberations